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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,272	02/25/2004	Samuel E. Graham	5675	2495

7590 09/09/2004
Thomas L. Moses
Legal Department, M-495
PO Box 1926
Spartanburg, SC 29304

EXAMINER

DIXON, MERRICK L

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/786,272

Applicant(s)

GRAHAM ET AL.

Examiner

Merrick Dixon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6-8-04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


MERRICK DIXON
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1-12, 16-20, and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Symons(5549863) in view of Tailor et al(5766724).

The primary reference teaches the basic claimed invention including a reinforced

cement panel comprising a core cementitious material with reinforcing fabric adjacent thereto- col 7, lines 66- col 8, line 65; col 6, lines 56-67; col 9, lines 10-18. the reference fails to expressly teaches nucleated polypropylene fibers. The secondary reference to Tailor et al, however, teaches that it is known in the art to facilitate reinforced cement with nucleated polypropylene fibers- col 7, lines 7-39; col 8, lines 1-15; fig 16. It would have been obvious to one of ordinary skill in the art at the time the invention is made to combine the teachings of Tailor et al and facilitate the primary reference with such similarly disposed fiber material , in the absence of unexpected results and such a combination would result in the claimed reinforced cement panel. Concerning claim 2, the cited primary reference teaches the claimed limitations in col 9, lines 14-17.

Concerning claim 2, the cited reference teaches the claimed fiber and it is submitted such would be of the same composition in the absence of unexpected results.

Concerning claims 10-11, the cited primary reference teaches the claimed limitations in

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col 6, lines 27-55. Also, see col 8, lines 30-51 of the secondary reference. Concerning claim 9, the cited reference teaches the claimed limitations in col 7, lines 67-68.

Concerning claim 18,26,25, the cited primary reference teaches the claimed limitation in col 7, lines 66-67. concerning claims 4-8, the secondary reference teaches similar directional wrapping- fig 16; col 7, lines 31-39.

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Claims 13-15,21-23 and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Symons et al(5549863) in view of Gerster et al(6586606).

The cited reference teaches the basic claimed invention, as discussed above, inter alla.

The reference, however, fails to teach specific additives to the reinforced cement material. The secondary reference teaches this aspect in col 38, lines 4-61. it would have been obvious to one of ordinary skill in the art at the time the invention is made to combine the teachings of the secondary reference and incorporate such well known nucleating material in the polypropylene material taught by the primary reference . such a combination, in the absence of unexpected results, would result in the claimed invention.

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Applicants who wish to send a facsimile (draft copies) for the examiner's immediate review can do so by using the Examiner's personal fax number at 571-273-1520. The

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faxing of all papers must conform with the notice published in the Official Gazette, 1096

O.G. 30 (November 15, 1989). **NOTE: All facsimiles sent to the examiner's**

personal fax number should be in draft-forms and will be treated as informal.

Same facsimiles will not be entered in the related applications unless

otherwise agreed and noted by the examiner.

The fax number for all other fascimile is 703-872-9306.

Information about **the status of an application** may be obtained from the Patent

Information Retrieval system (**Private PAIR**).

Status inquires for **published applications** may be retrieved from either **Private PAIR**

or **Public PAIR**. Questions about the PAIR system should be directed to the Electronic

Business Center at **866-217-9197**.

Any questions concerning the instant communication should be directed to Examiner

Dixon, at 571-272-1520, Mondays to Thursdays, between 12 noon and 8 PM, eastern

time . The examiner's supervisor, Mrs. Rena Dye, can be reached at 571-272-3186.



Merrick Dixon

Primary Examiner

Group 1700